

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB467)

Received: 10/30/2013	Received By: rnelson
Wanted: Today	Same as LRB:
For: Jim Ott (608) 266-0486	By/Representing: Jessica Karl-
May Contact:	Drafter: rnelson
Subject: Drunk Driving - other	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.OttJ@legis.wisconsin.gov**
 Carbon copy (CC) to: **jessica.karls@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

See attached

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rnelson 10/30/2013			_____ _____			
/1		scalvin 10/30/2013	jmurphy 10/30/2013	_____ _____	lparisi 10/30/2013	lparisi 10/30/2013	State S&L Crime

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB467)

Received: 10/30/2013

Received By: rnelson

Wanted: Today

Same as LRB:

For: Jim Ott (608) 266-0486

By/Representing: Jessica Karl-

May Contact:

Drafter: rnelson

Subject: Drunk Driving - other

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.OttJ@legis.wisconsin.gov

Carbon copy (CC) to: jessica.karls@legis.wisconsin.gov I EUM

Pre Topic:

No specific pre topic given

Topic:

See attached

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	rnelson	/1 sac 10/30/2013	dm 10/30	_____			
----	---------	----------------------	-------------	-------	--	--	--

FE Sent For:

<END>

- who ^{are} revoked & wait
drive

- license

Substitute

Jim Ott
by 10/30 pm

offer this
after

LC Jessica Karls Ruplinger
6-2230

- anyone who gets out
shall not drive and can
not interlock until interlock order
expires

If don't do it -

Creating a
penalty
enhancer
who operates
without IID

- goes into effect, but need not
have to install interlock until
rev. order over

lower rate.

- if drive: 2 penalties
viol. of ct. order

or pay for
extension

Nelson, Robert

From: Karls-Ruplinger, Jessica
Sent: Tuesday, October 29, 2013 4:50 PM
To: Nelson, Robert
Subject: FW: Amendment Language

Bob,

Here's some language for a substitute amendment to AB 467. I will call you on Wednesday morning to discuss this.

Jessica

Jessica Karls-Ruplinger
Senior Staff Attorney
Wisconsin Legislative Council
(608) 266-2230
Jessica.Karls@legis.wisconsin.gov

From: Rep.OttJ
Sent: Tuesday, October 29, 2013 4:40 PM
To: Karls-Ruplinger, Jessica
Cc: Augustyn, Ryan; Mueller, Virginia
Subject: Amendment Language

Anyone convicted of an operating while intoxicated offense and subject to an ignition interlock order at the time of license reinstatement shall not drive any vehicle not equipped with an approved IID from the time of conviction until the interlock order expires. Those who violate their revocation order and drive any vehicle not equipped with an approved IID shall be subject to the same penalties prescribed in sec.as those who violate the IID installment order.



Wanted today / pm

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB 2007/2 50169/1
RPN & EVM sac: CS

ASA to

2013 ASSEMBLY BILL 467

October 28, 2013 - Introduced by Representatives J. OTT, RICHARDS, THIESFELDT, KOLSTE, NASS, BROOKS, BERCEAU, ZEPNICK and KERKMAN, cosponsored by Senators COWLES, L. TAYLOR and LEHMAN. Referred to Committee on Judiciary.

- Regen the restriction to operation of a motor vehicle with (Regen)
- 1 AN ACT to amend 343.301 (2m), 347.413 (1) and 347.50 (1t) of the statutes;
2 relating to: court orders regarding the installation of an ignition interlock
3 device.

Analysis by the Legislative Reference Bureau

Under current law, a court is required to order that a person's motor vehicle operating privilege be restricted to operating vehicles that are equipped with an ignition interlock device if a person commits a second or subsequent offense related to operating a vehicle while intoxicated or a first offense while his or her alcohol concentration is 0.15 or greater, refuses to take a test for intoxication, or injures or kills a person while operating a vehicle while intoxicated. Under current law, the operating privilege restriction begins on the date the Department of Transportation issues an operator's license and stays in place for not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation. A person who violates the operating privilege restriction by failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device may be fined not less than \$150 nor more than \$600, imprisoned for not more than six months, or both, for the first offense, and may be fined not less than \$300 nor more than \$1,000, or imprisoned for not more than six months, or both, for a second or subsequent offense.

insert and,

Currently, the court may order that the ignition interlock device be installed immediately upon issuing the order that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device installed.

continue w/out new paragraph

ASSEMBLY BILL 467

Under this bill, when a court orders that the person's operating privilege be restricted to operating a vehicle with an ignition interlock device, the court must order that the device be installed within 3 working days of the order restricting the person's operating privilege. Also under this bill, the operating privilege restriction takes effect immediately upon the issuing of the order restricting the person's operating privilege. The operating privilege restriction remains in place for not less than one year after DOT issues an operator's license nor more than the maximum operating privilege revocation period after DOT issues an operator's license. A violation of the operating privilege restriction is subject to the same penalty provided for failing to install, removing, disconnecting, or otherwise tampering with the ignition interlock device.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

This bill provides that a

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.301 (2m) of the statutes is amended to read:

343.301 (2m) The court shall restrict the operating privilege under sub. (1g) beginning on the date the order under sub. (1g) is issued and extending for a period of not less than one year after the date the department issues any license granted under this chapter nor more than the maximum operating privilege revocation period permitted for the refusal or violation, beginning on the date the department issues any license granted under this chapter, after the date the department issues any license granted under this chapter except that if the maximum operating privilege revocation period is less than one year, the court shall restrict the operating privilege under sub. (1g) for a period of one year after the date the department issues any license granted under this chapter. The court ~~may~~ shall order the installation of that an ignition interlock device under sub. (1g) immediately upon be installed within 3 working days after issuing an order under sub. (1g).

ins 2-13 →

ASSEMBLY BILL 467

SECTION 2. 347.413 (1) of the statutes is amended to read:

347.413 (1) No person may remove, disconnect, tamper with, or otherwise circumvent the operation of an ignition interlock device installed in response to the court order under s. 346.65 (6), 1999 stats., or s. 343.301 (1), 2007 stats., or s. 343.301 (1g), or fail to have the ignition interlock device installed as ordered by the court, or violate a court order under s. 343.301 (1g) restricting the person's operating privilege. This subsection does not apply to the removal of an ignition interlock device upon the expiration of the order requiring the motor vehicle to be so equipped or to necessary repairs to a malfunctioning ignition interlock device by a person authorized by the department.

SECTION 3. 347.50 (1t) of the statutes is amended to read:

347.50 (1t) In addition to the penalty under sub. (1s), if a person who is subject to an order under s. 343.301 violates s. 347.413, the court shall extend the order restricting the person's operating privilege under s. 343.301 (1g) or (2m) for 6 months for each violation.

SECTION 4. Initial applicability.

(1) This act first applies to a court order issued on the effective date of this subsection.

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0169/lins
RPN:.....

1 ins ANL:

no 2

2 Under this bill, the person whose operating privilege is restricted to operating
3 a motor vehicle equipped with an ignition interlock device may not drive any motor
4 vehicle that is not equipped with an approved ignition interlock device from the time
5 that the order restricting his or her operating privilege is entered until that order
6 expires.

7 Under current law, ^ea

8 ins 2-13:

9 **SECTION 1.** 343.301 (2m) of the statutes is renumbered 343.301 (2m) (a).

10 **SECTION 2.** 343.301 (2m) (b) of the statutes is created to read:

11 343.301 **(2m)** (b) A person to whom an order under sub. (1g) applies may not
12 drive any motor vehicle that is not equipped with an approved ignition interlock
13 device from the time that the order is entered under sub. (1g) until that order expires.
14 Any person who violates this paragraph is subject to the penalties under s. 347.413
15 (1).